

being discharged from a correctional institution; or

(2) The individual is already under CSOSA supervision and has been notified by his or her Community Supervision Officer of the time to report for collection of the sample, but fails to report for collection of the sample; or

(3) The individual has reported to CSOSA for collection of the sample, but fails to provide the sample after being given a minimum of one hour to do so; or

(4) The individual specifically states that he or she will not cooperate.

(c) When an individual has refused to cooperate in the collection of the sample, CSOSA deems the following to be reasonably necessary means for obtaining the sample:

(1) Impose administrative sanctions;

(2) Request a revocation hearing by the releasing authority; and/or

(3) Refer the individual who refuses to cooperate for criminal prosecution for a class A misdemeanor pursuant to section 4(a)(5) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b(a)(5)).

[67 FR 54100, Aug. 21, 2002, as amended at 68 FR 19742, Apr. 22, 2003]

APPENDIX A TO PART 812—QUALIFYING DISTRICT OF COLUMBIA CODE OFFENSES

As enacted by the Council of the District of Columbia, the DNA Sample Collection Act of 2001 identifies the criminal offenses listed in Table 1 of this appendix as “qualifying District of Columbia offenses” for the purposes of the DNA Analysis Backlog Elimination Act of 2000 (Pub. L. 106-546, 114 Stat. 2726). Table 2 of this Appendix lists these same offenses in numerical order under the D.C. Code, 1981 Edition. Table 3 of this Appendix lists these same offenses in numerical order under the D.C. Official Code, 2001 Edition. The tables follow:

TABLE 1. OFFENSE LISTING

(1) Section 820 of An Act To establish a code of law for the District of Columbia (arson);

(2) Section 821 of An Act To establish a code of law for the District of Columbia (burning of one's own property with intent to defraud or injure another);

(3) Section 848 of An Act To establish a code of law for the District of Columbia (malicious burning, destruction, or injury of another's property);

(4) Section 803 of An Act To establish a code of law for the District of Columbia (assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse);

(5) Section 804 of An Act To establish a code of law for the District of Columbia, (assault with intent to commit mayhem or with dangerous weapon);

(6) Section 806a of An Act To establish a code of law for the District of Columbia (aggravated assault);

(7) Section 432(b) of the Revised Statutes, relating to the District of Columbia (assault on member of police force, campus or university special police, or fire department using a deadly or dangerous weapon);

(8) Section 807 of An Act To establish a code of law for the District of Columbia (mayhem or maliciously disfiguring);

(9) Section 3 of An Act for the protection of children in the District of Columbia and for other purposes (cruelty to children);

(10) Section 9 of An Act for the preservation of the public peace and the protection of property within the District of Columbia (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

(11) Section 823 of An Act To establish a code of law for the District of Columbia (burglary);

(12) Section 875 of An Act To establish a code of law for the District of Columbia (incest);

(13) Section 872 of An Act To establish a code of law for the District of Columbia (certain obscene activities involving minors);

(14) Section 3 of the District of Columbia Protection of Minors Act of 1982 (sexual performances using minors);

(15) Section 812 of An Act To establish a code of law for the District of Columbia (kidnapping);

(16) Section 798 of An Act To establish a code of law for the District of Columbia (murder in the first degree);

(17) Section 799 of An Act To establish a code of law for the District of Columbia (murder in the first degree—obstructing railroad);

(18) Section 800 of An Act To establish a code of law for the District of Columbia (murder in the second degree);

(19) Section 802 of An Act To establish a code of law for the District of Columbia (voluntary manslaughter only);

(20) Section 802a of An Act To establish a code of law for the District of Columbia (murder of a law enforcement officer);

(21) Section 813 of An Act To establish a code of law for the District of Columbia (abducting, enticing, or harboring a child for prostitution);

(22) Section 1 of An Act In relation to pandering, to define and prohibit the same and

to provide for the punishment thereof (pandering; inducing or compelling an individual to engage in prostitution);

(23) Section 2 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof (compelling an individual to live life of prostitution against his or her will);

(24) Section 4 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof (causing spouse to live in prostitution);

(25) Section 5 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof (detaining an individual in disorderly house for debt there contracted);

(26) Forcible rape, carnal knowledge or statutory rape as these offenses were proscribed until May 23, 1995 by section 808 of An Act To establish a code of law for the District of Columbia;

(27) Section 810 of An Act To establish a code of law for the District of Columbia (robbery);

(28) Section 811 of An Act To establish a code of law for the District of Columbia (attempted robbery);

(29) Section 811a of An Act To establish a code of law for the District of Columbia (carjacking);

(30) Indecent acts with children as this offense was proscribed until May 23, 1995 by section 103(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes;

(31) Enticing a child as this offense was proscribed until May 23, 1995 by section 103(b) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes;

(32) Sodomy as this offense was proscribed until May 23, 1995 by section 104(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes where the offense was forcible or committed against a minor;

(33) Section 201 of the Anti-Sexual Abuse Act of 1994 (first degree sexual abuse);

(34) Section 202 of the Anti-Sexual Abuse Act of 1994 (second degree sexual abuse);

(35) Section 203 of the Anti-Sexual Abuse Act of 1994 (third degree sexual abuse);

(36) Section 204 of the Anti-Sexual Abuse Act of 1994 (fourth degree sexual abuse);

(37) Section 205 of the Anti-Sexual Abuse Act of 1994 (misdemeanor sexual abuse);

(38) Section 207 of the Anti-Sexual Abuse Act of 1994 (first degree child sexual abuse);

(39) Section 208 of the Anti-Sexual Abuse Act of 1994 (second degree child sexual abuse);

(40) Section 209 of the Anti-Sexual Abuse Act of 1994 (enticing a child);

(41) Section 212 of the Anti-Sexual Abuse Act of 1994 (first degree sexual abuse of a ward);

(42) Section 213 of the Anti-Sexual Abuse Act of 1994 (second degree sexual abuse of a ward);

(43) Section 214 of the Anti-Sexual Abuse Act of 1994 (first degree sexual abuse of a patient or client);

(44) Section 215 of the Anti-Sexual Abuse Act of 1994 (second degree sexual abuse of a patient or client);

(45) Section 217 of the Anti-Sexual Abuse Act of 1994 (attempts to commit sexual offenses); and

(46) Attempt or conspiracy to commit any of the offenses listed in items (1) through (45) of this table.

TABLE 2. OFFENSE LISTING (D.C. OFFICIAL CODE, 1981 EDITION)

- (1) D.C. Code section 22-401—arson;
- (2) D.C. Code section 22-402—burning of one's own property with intent to defraud or injure another;
- (3) D.C. Code section 22-403—malicious burning, destruction or injury of another's property;
- (4) D.C. Code section 22-501—assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse;
- (5) D.C. Code section 22-502—assault with intent to commit mayhem or with dangerous weapon;
- (6) D.C. Code section 22-504.1—aggravated assault;
- (7) D.C. Code section 22-505(b)—assault on member of police force, campus or university special police, or fire department using a deadly or dangerous weapon;
- (8) D.C. Code section 22-506—mayhem or maliciously disfiguring;
- (9) D.C. Code section 22-901—cruelty to children;
- (10) D.C. Code section 22-1112(b)—lewd, indecent or obscene acts (knowingly in the presence of a child under the age of 16 years);
- (11) D.C. Code section 22-1801—burglary;
- (12) D.C. Code section 22-1901—incest;
- (13) D.C. Code section 22-2001—certain obscene activities involving a minor;
- (14) D.C. Code section 22-2012—sexual performances using minors;
- (15) D.C. Code section 22-2101—kidnapping;
- (16) D.C. Code section 22-2401—murder in the first degree;
- (17) D.C. Code section 22-2402—murder in the first degree (obstructing railroad);
- (18) D.C. Code section 22-2403—murder in the second degree;
- (19) D.C. Code section 22-2405—voluntary manslaughter only;
- (20) D.C. Code section 22-2406—murder of a law enforcement officer;
- (21) D.C. Code section 22-2704—abducting, enticing, or harboring a child for prostitution;

(22) D.C. Code section 22-2705—pandering; inducing or compelling an individual to engage in prostitution;

(23) D.C. Code section 22-2706—compelling an individual to live life of prostitution against his or her will;

(24) D.C. Code section 22-2708—causing spouse to live in prostitution;

(25) D.C. Code section 22-2709—detaining an individual in disorderly house for debt there contracted;

(26) D.C. Code section 22-2801 [repealed May 23, 1995]—forcible rape, carnal knowledge or statutory rape;

(27) D.C. Code section 22-2901—robbery;

(28) D.C. Code section 22-2902—attempted robbery;

(29) D.C. Code section 22-2903—carjacking;

(30) D.C. Code section 22-3501(a) [repealed May 23, 1995]—indecent acts with children;

(31) D.C. Code section 22-3501(b) [repealed May 23, 1995]—enticing a child;

(32) D.C. Code section 22-3502(a) [repealed May 23, 1995]—sodomy where the offense was forcible or committed against a minor;

(33) D.C. Code section 22-4102—first degree sexual abuse;

(34) D.C. Code section 22-4103—second degree sexual abuse;

(35) D.C. Code section 22-4104—third degree sexual abuse;

(36) D.C. Code section 22-4105—fourth degree sexual abuse;

(37) D.C. Code section 22-4106—misdemeanor sexual abuse;

(38) D.C. Code section 22-4108—first degree child sexual abuse;

(39) D.C. Code section 22-4109—second degree child sexual abuse;

(40) D.C. Code section 22-4110—enticing a child;

(41) D.C. Code section 22-4113—first degree sexual abuse of a ward;

(42) D.C. Code section 22-4114—second degree sexual abuse of a ward;

(43) D.C. Code section 22-4115—first degree sexual abuse of a patient or client;

(44) D.C. Code section 22-4116—second degree sexual abuse of a patient or client;

(45) D.C. Code section 22-4118—attempts to commit sexual offenses;

(46) Attempt or conspiracy to commit any of the offenses listed in items (1) through (45) of this table.

TABLE 3. OFFENSE LISTING (D.C. OFFICIAL CODE, 2001 EDITION)

(1) D.C. Code section 22-301—arson;

(2) D.C. Code section 22-302—burning of one's own property with intent to defraud or injure another;

(3) D.C. Code section 22-303—malicious burning, destruction, or injury of another's property;

(4) D.C. Code section 22-401—assault with intent to kill, rob, or poison, or to commit

first degree sexual abuse, second degree sexual abuse or child sexual abuse;

(5) D.C. Code section 22-402—assault with intent to commit mayhem or with dangerous weapon;

(6) D.C. Code section 22-404.01—aggravated assault;

(7) D.C. Code section 22-405(b)—assault on member of police force, campus or university special police, or fire department using a deadly or dangerous weapon;

(8) D.C. Code section 22-406—mayhem or maliciously disfiguring;

(9) D.C. Code section 22-801—burglary;

(10) D.C. Code section 22-1101—cruelty to children;

(11) D.C. Code section 22-1312(b)—lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years);

(12) D.C. Code section 22-1901—incest;

(13) D.C. Code section 22-2001—kidnapping;

(14) D.C. Code section 22-2101—murder in the first degree;

(15) D.C. Code section 22-2102—murder in the first degree—obstructing railroad;

(16) D.C. Code section 22-2103—murder in the second degree;

(17) D.C. Code section 22-2105—voluntary manslaughter only;

(18) D.C. Code section 22-2106—murder of a law enforcement officer;

(19) D.C. Code section 22-2201—certain obscene activities involving minors;

(20) D.C. Code section 22-2704—abducting, enticing, or harboring a child for prostitution;

(21) D.C. Code section 22-2705—pandering; inducing or compelling an individual to engage in prostitution;

(22) D.C. Code section 22-2706—compelling an individual to live life of prostitution against his or her will;

(23) D.C. Code section 22-2708—causing spouse to live in prostitution;

(24) D.C. Code section 22-2709—detaining an individual in disorderly house for debt there contracted;

(25) D.C. Code section 22-2801—robbery;

(26) D.C. Code section 22-2802—attempted robbery;

(27) D.C. Code section 22-2803—carjacking;

(28) D.C. Code section 22-3002—first degree sexual abuse;

(29) D.C. Code section 22-3003—second degree sexual abuse;

(30) D.C. Code section 22-3004—third degree sexual abuse;

(31) D.C. Code section 22-3005—fourth degree sexual abuse;

(32) D.C. Code section 22-3006—misdemeanor sexual abuse;

(33) D.C. Code section 22-3008—first degree child sexual abuse;

(34) D.C. Code section 22-3009—second degree child sexual abuse;

(35) D.C. Code section 22-3010—enticing a child;

Pt. 812, App. A

28 CFR Ch. VIII (7–1–13 Edition)

(36) D.C. Code section 22–3013—first degree sexual abuse of a ward;

(37) D.C. Code section 22–3014—second degree sexual abuse of a ward;

(38) D.C. Code section 22–3015—first degree sexual abuse of a patient or client;

(39) D.C. Code section 22–3016—second degree sexual abuse of a patient or client;

(40) D.C. Code section 22–3018—attempts to commit sexual offenses;

(41) D.C. Code section 22–3102—sexual performances using minors;

(42) D.C. Code section 22–3801(a) [repealed May 23, 1995]—indecent acts with children;

(43) D.C. Code section 22–3801(b) [repealed May 23, 1995]—enticing a child;

(44) D.C. Code section 22–3802(a) [repealed May 23, 1995]—sodomy where the offense was forcible or committed against a minor;

(45) D.C. Code section 22–4801 [repealed May 23, 1995]—forcible rape, carnal knowledge or statutory rape;

(46) D.C. Code section 22–1803 or section 22–1805a—attempt or conspiracy to commit any of the offenses listed in items (1) through (45) of this table.

[67 FR 54100, Aug. 21, 2002, as amended at 68 FR 19742, Apr. 22, 2003]